

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS CLOSING, VACATING, AND ABANDONING A 0.04 ACRE TRACT OUT AND A 0.02 ACRE TRACT OF WEST SIXTH STREET (PLATTED AS MCDONALD STREET) OF THE ROSEWELL ADDITION; PROVIDING FOR CONVEYANCE OF SAID ABANDONED STREET PROPERTY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge (the “City”) is a home rule municipality operating under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code;

WHEREAS, Section 311.007 of the Texas Transportation Code provides that a home rule municipality may vacate, abandon, and close a street or alley, and Sections 253.001(a) and 272.001 of the Texas Local Government Code provide that a city may convey abandoned street or alley property to the adjacent property owners without complying with notice and bidding requirements;

WHEREAS, on December 1, 1981, the City Commission of the City of Breckenridge (the “City Commission”) adopted Ordinance No. 444 to close certain streets and alleys in the Rosewell Addition to the City of Breckenridge, including “West 6th Street from North Parks Street to North Oakwood Street” (the “Sixth Street Property”), but Ordinance No. 444 was not recorded in the Deed Records of Stephens County, Texas at the time of adoption;

WHEREAS, on December 2, 1981, the City conveyed portions of the Sixth Street Property to Lester Clark but a recent survey has discovered that a 0.04 acre tract and a 0.02 acre tract (the “Missing Tracts”) were not sufficiently described in the Clark deed and are still owned by the City;

WHEREAS, the City Commission wishes to close the Missing Tracts as public streets, to the extent this has not already been accomplished by Ordinance No. 444, and to convey the Missing Tracts to the owner of the adjacent property to effectuate what appears to be the intent of the City Commission in 1981; and

WHEREAS, the City Commission has determined that it would be to the public benefit to abandon, vacate, and close the Missing Tracts, that said land is not needed for public use and therefore constitutes a public charge without a corresponding public benefit, and that the Missing Tracts should be abandoned, vacated, and closed, and conveyed to the adjacent property owner as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

SECTION 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Findings. After due deliberations, the City Commission has concluded that the adoption of this Ordinance is in the best interest of the City of Breckenridge, Texas and of the public health, safety, and welfare.

SECTION 3. Street Abandoned. To the extent not already accomplished by Ordinance No. 444, adopted on December 1, 1981, the following street property is hereby closed, vacated, and abandoned:

Tract One: All that certain 0.04 acre tract or parcel of land situated in the southwest quarter of Section 4 of the Lunatic Asylum Lands, original grantee A. C. Wilson and patentee C.S. Morris, Abstract Number 1101, patent filed 16 December 1901, and recorded in volume B page 386 of the Deed Records of the County of Stephens, State of Texas, said tract being part of West 6th Street, platted as McDonald Street as shown on plat of the Rosewell Addition, an addition to the City of Breckenridge, witnessed 21 July 1920, recorded in volume 32 page 75 of Deed Records of Stephens County, and said plat now being located in the Plat Cabinet in Slide 63B of the Plat Records of said Stephens County; and

Tract Two: All that certain 0.02 acre tract or parcel of land situated in the southwest quarter of Section 4 of the Lunatic Asylum Lands, original grantee A. C. Wilson and patentee C.S. Morris, Abstract Number 1101, patent filed 16 December 1901, and recorded in volume B page 386 of the Deed Records of the County of Stephens, State of Texas, said tract being part of West 6th Street, platted as McDonald Street as shown on plat of the Rosewell Addition, an addition to the City of Breckenridge, witnessed 21 July 1920, recorded in volume 32 page 75 of Deed Records of Stephens County, and said plat now being located in the Plat Cabinet in Slide 63B of the Plat Records of said Stephens County.

Both tracts being identified and more particularly described in the attached **Exhibit “A”**.

SECTION 4. Fair Market Value. The City Commission finds that the street was originally dedicated to the public at no cost to the City and any fair market value that said tracts may have is offset from the City’s release from the obligation to maintain said tracts.

SECTION 5. Extent of Abandonment. The abandonment, vacation, and closure provided for herein shall extend only to the public right, title, easement, and interest, and shall be construed to extend only to that interest which the City may legally and lawfully abandon, vacate, and close, and may be subject to recorded reversionary interests.

SECTION 6. Release of Easements. All public easements and rights-of-way on said tracts are hereby released.

SECTION 7. Conveyance. The City Secretary is authorized and directed to record a copy of this Ordinance in the Real Property Records of Stephens County, Texas. The City Manager is hereby authorized and directed to convey by Deed Without Warranty, in “As Is” condition, all of the interest of the City to said tracts to the property owner abutting same.

SECTION 8. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Commission.

DULY PASSED AND APPROVED by the City Commission of the City of Breckenridge, Texas,
this the 7th day of May, 2024.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Tract One, 0.04 Acre Tract
 All that certain 0.04 acre tract or parcel of land situated in the southwest quarter of Section 4 of the Lumatic Asylum Lands, original grantee A. C. Wilson and patentee C.S. Morris, Abstract Number 1101, patent filed 16 December 1901, and recorded in volume B page 386 of the Deed Records of the County of Stephens State of Texas, said tract being part of West 6th Street, platted as McDonald Street as shown on plat of the Rosewell Addition, an addition to the City Breckenridge, witnessed 21 July 1920, recorded in volume 32, page 75 of Deed Records of Stephens County, and said plat now located in the Plat Cabinet in Slide 63B of the Plat Records of said Stephens County, and being more particularly described as follows;

Tract Two, 0.02 Acre Tract
 All that certain 0.02 acre tract or parcel of land situated in the southwest quarter of Section 4 of the Lumatic Asylum Lands, original grantee A. C. Wilson and patentee C.S. Morris, Abstract Number 1101, patent filed 16 December 1901, and recorded in volume B page 386 of the Deed Records of the County of Stephens State of Texas, said tract being part of West 6th Street, platted as McDonald Street as shown on plat of the Rosewell Addition, an addition to the City Breckenridge, witnessed 21 July 1920, recorded in volume 32, page 75 of Deed Records of Stephens County, and said plat now located in the Plat Cabinet in Slide 63B of the Plat Records of said Stephens County, and being more particularly described as follows;

BEGINNING for the southwest corner of the tract being described herein at a point being the northeast corner of Block 14 of said Rosewell Addition, said point being at the intersection of the south line of said 6th Street and the west line of Panther Street, platted as Panther Avenue;

THENCE: North 00 degrees 01 minutes 02 seconds West, a distance of 30.00 feet to a point in the center of said 6th Street for the northwest corner of this tract;

THENCE: North 89 degrees 58 minutes 58 seconds East, with the centerline of said 6th Street, a distance of 60.00 feet to a point for the northeast corner of this tract;

THENCE: South 00 degrees 01 minutes 02 seconds East, a distance of 30.00 feet to a point being the northwest corner of Block 15 of said Rosewell Addition for the southeast corner of this tract, same being the intersection of the south line of said 6th Street and the east line of said Panther Street;

THENCE: South 89 degrees 54 minutes 58 seconds West, a distance of 60.00 feet to the **POINT OF BEGINNING** and containing 0.04 of an acre of land.
 NAD83 NCTZ Grid Bearings.

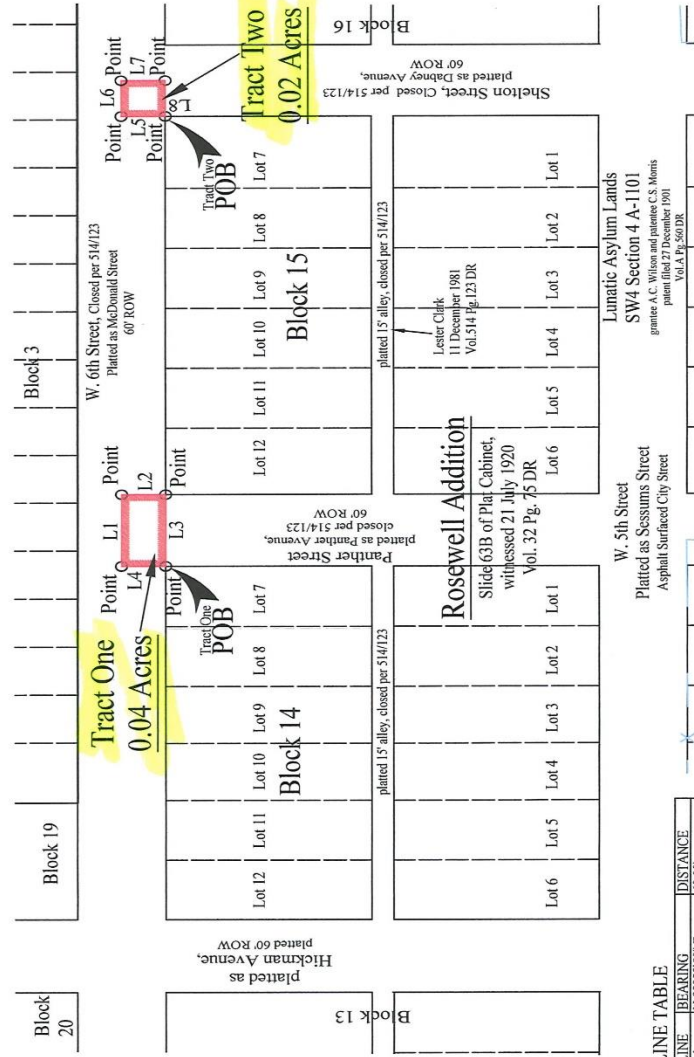
BEGINNING for the southwest corner of the tract being described herein at a point being the northeast corner of Block 15 of said Rosewell Addition, said point being at the intersection of the south line of said 6th Street and the west line of Shelton Street, platted as Dabney Avenue;

THENCE: North 00 degrees 01 minutes 02 seconds West, a distance of 30.00 feet to a point in the center of said 6th Street for the northwest corner of this tract;

THENCE: North 89 degrees 54 minutes 13 seconds East, a distance of 30.00 feet with the centerline of said 6th Street to a point for the northeast corner of this tract;

THENCE: South 00 degrees 01 minutes 02 seconds East, a distance of 30.01 feet with the centerline of said Shelton Street to a point for the southeast corner of this tract;

THENCE: South 89 degrees 54 minutes 58 seconds West, a distance of 30.00 feet to the **POINT OF BEGINNING** and containing 0.02 of an acre of land.
 NAD83 NCTZ Grid Bearings.



LINE	BEARING	DISTANCE
L1	N 89°58'58" E	60.00
L2	S 0°00'10.2" E	29.97
L3	S 89°54'58" W	60.00
L4	N 0°00'10.2" W	30.00
L5	N 0°00'10.2" W	30.00
L6	N 89°54'13" E	30.00
L7	S 0°00'10.2" E	30.01
L8	S 89°54'58" W	30.00



Zoning Exhibit of Two Parcels being
 0.06 Acres being part of W. 6th Street, platted as
 McDonald Street, in the Rosewell Addition, an
 Addition to the City of Breckenridge,
 County of Stephens, State of Texas

Basis of Bearings
 NAD83 NCTZ Grid
 Bearings
 Distances reflect surface
 measurements
 Owen Surveying Co., Copyrights Reserved 2024

OWEN SURVEYING CO.

FIRM # 0069000 WWW.OWENSURVEYING.COM
 110 W. ELLIOTT ST., BRECKENRIDGE, TX 76424
 PHONE (254)559-9898 FAX (254)559-7372 CELL (254)559-0127

ZONING EXHIBIT PLAT: STEPHENS COUNTY
 DRAWN BY: CH CHECKED BY: EB

Scale: 1" = 100'	Date: 18 March 2024	Print Number B - 491B
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